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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/088,926-Conf. #2678
	Filing Date	March 20, 2002
	First Named Inventor	Timo Juhani Kangas
	Art Unit	3625
	Examiner Name	J. H. Zurita
Total Number of Pages in This Submission	Attorney Docket Number	01329/000K329-US0

ENCLOSURES (Check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	DARBY & DARBY P.C.		
Signature			
Printed name	Richard J. Katz		
Date	September 20, 2006	Reg. No.	47,698



Application No. (if known): 10/088,926

Attorney Docket No.: 01329/000K329-US0

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Response to the Notice of Non-Compliant Appeal Brief (2 pages)

Appellants' Brief on Appeal Under 37 C.F.R. Section 41.37 (17 pages,
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File No. 01329/000K329-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Timo Juhani Kangas

Application No.: 10/088,926

Confirmation No.: 2678

Filed: March 20, 2002

Art Unit: 3625

For: METHOD AND ARRANGEMENT FOR
DISTRIBUTING INFORMATION AND
SERVICES THROUGH A NETWORK

Examiner: J. H. Zurita

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO THE NOTICE OF NON-COMPLIANT APPEAL BRIEF

Sir:

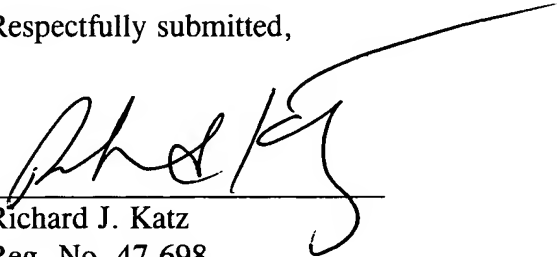
Responsive to the Notice mailed September 1, 2006, entry of the Amended Appeal Brief submitted concurrently herewith is respectfully requested.

The Notice indicates that the Appeal Brief filed August 15, 2006 is non-compliant for not containing items required by 37 C.F.R. § 41.37(c)(1)(ix). In particular, the Notice indicates that the brief did not contain copies of the evidence. The Evidence Appendix as originally submitted indicated that "All evidence is in the record," and now indicates "None."

Applicants submit that the Amended Appeal Brief, submitted herewith, is fully compliant with the requirements of 37 C.F.R. § 41.37. Each and every point raised in the Notice of Non-Compliant Appeal Brief, has been addressed in this Amended Appeal Brief.

This response to the Notice of Non-Compliant Appeal Brief, and the Amended Appeal Brief, concurrently submitted herewith, should be considered because they are both being filed within thirty days of the mailing of the Notice and, thus, no fee is due. However, the Commissioner is hereby authorized to charge any fees deemed required in connection with this submittal to Deposit Account No. 04-0100.

Respectfully submitted,



Richard J. Katz
Reg. No. 47,698
Attorney for Applicants

Dated: September 20, 2006

DARBY & DARBY,. P.C.
Post Office Box 5257
New York, N.Y. 10150-5257
Phone: (212) 527-7700



Docket No.: 01329/000K329-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Timo Juhani Kangas

Application No.: 10/088,926

Confirmation No.: 2678

Filed: March 20, 2002

Art Unit: 3625

For: METHOD AND ARRANGEMENT FOR
DISTRIBUTING INFORMATION AND
SERVICES THROUGH A NETWORK

Examiner: J. H. Zurita

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. § 41.37

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellants submit this brief in accordance with 37 C.F.R. § 41.37 in support of their appeal from the Final Office Action, mailed December 15, 2005 by Examiner Khanh Q. Dinh, and the Advisory Action, mailed June 7, 2006, in the above-identified patent application.

In accordance with 37 C.F.R. §§ 41.31 and 41.37, this brief follows the June 15, 2006 filing of a Notice of Appeal and payment of the required fee. This brief is in support of said Notice of Appeal. Appellants submit that this Appeal Brief is timely filed, and requires no extension of time fee. However, the Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this Appeal Brief, or to credit any overpayment, to Deposit Account No. 04-0100.

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is Tecnomen Oyj. The inventor having assigned his rights in and to this application to Tecnomen Oyj, such assignment having been duly recorded.

II. RELATED APPEALS AND INTERFERENCES

To appellants' knowledge, there are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1-13 are pending in the application.

This appeal is in respect of the rejection of claims 1-13.

There are 13 claims pending in the application, *i.e.*, claims 1-13. They are reproduced in the **Claims Appendix**. The current status of the application's claims is as follows:

1. Claims canceled: none;
2. Claims withdrawn from consideration but not canceled: none;
3. Claims pending: 1-13;
4. Claims allowed: none;
5. Claims rejected: 1-3.

Claims 1, 8, 9, 11, and 12 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-6 and 8-10 stand rejected under 35 U.S.C. § 102(b) as

“a preliminary order for crediting accounts” associated with the intended recipients, as required by the claims 1-6 and 8-12.

The Examiner relies on Goldhaber, Fig. 2 and the related text as disclosing “transmitting through the computer or cellular network a preliminary order for crediting accounts associated with the intended recipients.” (December 15, 2005 Detailed Action, page 4.) Appellant submits that Goldhaber Fig. 2 and its related text, (*see* col. 10, lines 8-38), discloses that a consumer requests information, the consumer is asked to compensate the provider for the information, the consumer pays for the information, and the provider provides the information. This section of Goldhaber has nothing to do with transmitting a preliminary order for crediting accounts, as required by the claimed invention. In fact this is the “positive priced information system.” As noted above, even in the negative priced information system of Fig. 3, the preliminary order is not used by Goldhaber.

Further, the Examiner contends that the Appellant has relied on features not present in the claims. (*See*, December 15, 2005 Detailed Action, page 9.) However, in the previous Response, Appellant merely asserted that one of the advantages of the “preliminary” feature is that by transmitting a preliminary crediting order before transmitting the information or service to the subscriber terminals, there is a reduction in the service provider's chance for cheating, i.e., the accounting system already has the credit information and will act on it in response to the indication of access. This assertion of advantage should not distract the Examiner from the fact that the “preliminary” feature recited in the claims is distinguishable over the Goldhaber reference itself.

Claims 2-6 and 11 depend from claim 1. Claims 9-10 and 12 depend from claim 8. These dependent claims are patentable over Goldhaber for at least the same reasons as their respective base claims. Therefore, for the reasons stated above, Appellant respectfully submits that Goldhaber does not disclose each and every feature of claims 1-6 and 8-12,

Goldhaber at the time of the invention would not be motivated to modify Goldhaber's coupons to be valued on an inverse time-variant basis or a ranking of responses. Therefore, the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness.

For all of the reasons set forth above, the rejections of claims 1-13 should be reversed. Appellant respectfully requests that the application be remanded to the Primary Examiner with an instruction to withdraw the rejections, and pass the case to allowance.

Respectfully submitted,

By

Richard J. Katz

Registration No.: 47,698

Dated: September 20, 2006

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Appellant

APPENDIXES

crediting said account by an amount which is inversely proportional to said time.

8. An arrangement for distributing information or services through a network, comprising:
 - a source of information or services;
 - a number of subscriber terminals;
 - means for maintaining accounts associated with certain subscribers;
 - means for transmitting to the means for maintaining accounts a preliminary order for crediting the accounts associated with the certain subscribers;
 - means for providing an indication of a certain recipient having accessed a piece of information or service; and
 - means for responding to said indication by crediting an account associated with said certain recipient.
9. The arrangement according to claim 8, further comprising:
 - a service provider's terminal;
 - a database server; and
 - an account server,wherein said service provider's terminal is arranged to operate as said source of information or services, said account server is arranged to operate as said means for maintaining accounts associated with certain subscribers and for receiving the preliminary order for crediting the accounts associated with the certain subscribers, and said database server is arranged to maintain data identifying certain subscribers and associating the identified subscribers with certain contact information through which information or services is deliverable to the identified subscribers.

10. The arrangement according to claim 9, further comprising a service or information server which is arranged to store pieces of information or services in a form accessible to subscriber terminals.
11. The method according to claim 1, wherein the preliminary order for crediting accounts associated with the intended recipients includes said piece of information or service.
12. The arrangement according to claim 8, wherein the preliminary order for crediting the accounts associated with the certain subscribers includes said piece of information or service.
13. A method for distributing information or services through a computer or cellular network, comprising the steps of:
 - composing a piece of information or service to be distributed through the computer or cellular network;
 - compiling a list of intended recipients;
 - releasing said piece of information or service so that said piece of information or service becomes accessible to the recipients appearing on said list; and
 - as a response to an indication of a certain recipient having accessed said piece of information or service, crediting an account associated with said certain recipient, wherein the step of crediting an account comprises the substeps of:
 - ranking the order in which said certain recipient provides the reception indication relative to other of said intended recipients; and
 - crediting said account associated with said certain recipient based on the order ranking.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings for this matter.